

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

RAVI GOPAUL, as Administrator for
The ESTATE OF STEVEN GOPAUL,
Deceased and RAVI GOPAUL, individually,

PLAINTIFF,

-against-

Index No.:
154189/2021

AFAB INDUSTRIAL SERVICES, INC., a
Pennsylvania Corporation, CHELSEA
EXCLUSIVE, ABC CORPS 1-100 and
JOHN DOES 1-100,

DEFENDANTS.

-----X

LITTLE CHELSEA, INC., i/s/h/a
CHELSEA EXCLUSIVE

THIRD-PARTY PLAINTIFF,

-against-

VDAN SALES, INC.

THIRD-PARTY DEFENDANT.

-----X

DATE: December 15, 2023

TIME: 10:35 A.M.

Job No. CS6359938

1
2 VIRTUAL EXAMINATION BEFORE TRIAL
3 of the Defendant, AFAB INDUSTRIAL SERVICES,
4 INC., by EVERETT FARR, taken by the
5 respective parties, pursuant to a Court
6 Order, held via Veritext Virtual Services,
7 before Edith Tirado-Plaza, a Notary Public
8 of the State of New York.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S:

THE LAW OFFICES OF THOMAS H. ANDRYKOVITZ,
PC

Attorneys for the Plaintiff
RAVI GOPAUL

140 Broadway, Suite 3601
New York, New York 10005

BY: BRIAN BRANTLEY, ESQ.

THOMAS ANDRYKOWITZ, ESQ.

RACHEL HOLT, ESQ.

SAXTON STUMP

Attorneys for the Defendant
AFAB INDUSTRIAL SERVICES, INC.

230 South Broad Street, Suite 11100
Philadelphia, Pennsylvania 19102

BY: M. KELLY TILLERY, ESQ.

RYAN & CONLON

Attorneys for the Defendant/Third-Party
Plaintiff

LITTLE CHELSEA INC., i/s/h/a CHELSEA
EXCLUSIVE

2 Wall Street, Suite 710
New York, New York 10005

BY: JOSEPH THOMPSON, ESQ.

THE LAW OFFICES OF ILYA MURAFI

Attorneys for the Third-Party Defendant
VDAN SALES, INC.

413 Woodward Avenue, Suite 3L
Ridgewood, New York 11385

BY: ILYA MURAFI, ESQ.

ALSO PRESENT:

CHRIS CONLON, VIDEOGRAPHER

* * *

1 E. FARR

2 discussed with your attorneys -- but did
3 you discuss preparing for your deposition
4 with anyone else?

5 A. No.

6 Q. At your last deposition it was
7 discussed that you had an exemplar can of
8 Maximum Impact put away in a white box
9 somewhere.

10 A. Yes.

11 Q. Did you ever search for that
12 white box?

13 A. Yes, sir.

14 Q. Were you able to locate that
15 white box?

16 A. Yes.

17 Q. Was there an exemplar can of
18 Maximum Impact in that box?

19 A. Yes, sir.

20 Q. Did you still have that can?

21 A. Yes, sir.

22 Q. Do you have it with you today?

23 A. Yes, sir.

24 Q. Is it like in front of you, at
25 your desk or something else?

1 E. FARR

2 A. Right here, sir, yes.

3 Q. And have you taken any pictures
4 of that can?

5 A. Yes.

6 Q. When did you take pictures of
7 that can?

8 A. Right after I examined the cans
9 on my first visit or the can on my first
10 visit to New York City concerning this case
11 at the law firm of the plaintiff.

12 Q. So, when you inspected the
13 plaintiff's can you also inspected the
14 exemplar can that you have with you today?

15 A. Not right away. I didn't bring
16 it with me, but when I came back I searched
17 for what you call an exemplar can and I
18 found one.

19 Q. And the can that we're
20 referring to as the exemplar can, when was
21 that can produced?

22 A. I took pictures and sent that
23 to my attorney.

24 Q. And I'm asking when that
25 exemplar can was --

1 E. FARR

2 A. It was a while back. It wasn't
3 -- I didn't think that long after but it
4 could have been right after I was --
5 witness the first can for the first visit.

6 Q. I'm asking when the can was --
7 let me backup.

8 So, the cannister of Maximum
9 Impact those were filled at your location
10 in Pennsylvania; right? Your 350 -- I
11 don't have the address in front of me.

12 A. 350 Camer Dirve, yes, sir. All
13 the products that we produced.

14 Q. And that can is -- I'm trying
15 not to talk over you. The can that you
16 have with you today that was filled in your
17 350 Camer address; correct?

18 A. Yes, though this can wasn't
19 ever filled.

20 Q. So, that can is not filled?

21 A. Yes, sir.

22 Q. Was that can ever print?

23 A. Yes, sir.

24 Q. Was an actuator put on that
25 can?

1 E. FARR

2 A. Yes.

3 Q. When was that can crimped?

4 A. I don't know the exact date.

5 The can was made or we had a sampling of
6 all the products we made on a shelf so that
7 when people came in your vestibule they
8 could see everything. I would say this can
9 was probably crimped and displayed between
10 2016 and 2019.

11 Q. And the aerosol can itself came
12 from China; right? Mr. Farr, can you hear
13 me?

14 THE VIDEOGRAPHER: I'm going
15 off the record if that's okay.

16 MR. THOMPSON: That's fine.

17 THE VIDEOGRAPHER: The time is
18 10:53. We're going off the record.

19 Off the record.

20 (Whereupon, an off-the-record
21 discussion was held.)

22 THE VIDEOGRAPHER: The time is
23 10:58. We're back on record.

24 Continuing media file one.

25 Q. Mr. Farr, before we had some